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Dkt. 0575/63293/JPW/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cy A. Stein et al.  
Serial No. : 10/002,884  
Filed : November 2, 2001  
For : PEPTIDES THAT DELIVER ANTISENSE OLIGONUCLEOTIDES WHICH DOWNREGULATE PROTEIN EXPRESSION IN CELLS

1185 Avenue of the Americas  
New York, New York 10036  
May 20, 2002

Assistant Commissioner for Patents  
BOX SEQUENCE  
PO BOX 2327  
Arlington, VA 22202

Sir:

COMMUNICATION IN RESPONSE TO MARCH 18, 2002 NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED

This Communication is submitted in response to the March 18, 2002 Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the March 18, 2002 Notice is due May 18, 2002. However, since May 18, 2002 falls on a Saturday, a response filed on the next succeeding day which is not a Sunday or a Federal Holiday, i.e. May 20, 2002, is considered timely under 37 C.F.R. §1.7. Accordingly, this Communication is being timely filed.

The Notice to File Missing Parts of Application indicates that the oath or declaration is unsigned. Applicants attach hereto a copy of the Notice as **Exhibit A**. In response, applicants submit as

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**Exhibit B**, attached hereto, a signed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(f). In compliance with 37 C.F.R. §1.63, the Declaration refers to the application's above-identified serial number and filing date.

The surcharge under 37 C.F.R. §1.16(e) for submitting the enclosed Declaration for a small entity is SIXTY FIVE DOLLARS (\$65.00). Accordingly a check in the amount of SIXTY FIVE DOLLARS is enclosed.

The Notice to File Missing Parts of Application indicates that the Computer Readable Form Sequence Listing does not comply with the requirements of 37 C.F.R. §1.822 and/or 1.823.

In response applicants submit as **Exhibit C** a Statement in Accordance with 37 C.F.R. §1.821(f), a paper copy Sequence Listing as **Exhibit D** and a Computer Readable Form as **Exhibit E**.

The Computer Readable Form Sequence Listing and paper copy Sequence Listing contain no new matter as required by 37 C.F.R. §1.821 and 37 C.F.R. §1.825.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee, other than the enclosed fee of \$65.00, is deemed necessary in connection with the filing of this Communication. If any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, BOX SEQUENCE, PO BOX 2327, Arlington, VA 22202

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John P. White  
Reg. No. 28,678

Date

5/20/02



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/002,884	11/02/2001	Cy A. Stein	63293/BJA/JPW

Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036



## CONFIRMATION NO. 5706 FORMALITIES LETTER



\*OC00000007660640\*

Date Mailed: 03/18/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

#### *Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

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Applicants: Cy A. Stein et al  
U.S. Serial No.: 10/002,884  
Filed: November 2, 2001  
Exhibit A

*A. M. A.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).